

REMARKS

Applicant wishes to express his appreciation for the time and courtesy of Examiner Woodall and Supervisory Primary Examiner Robert in the course of a telephone interview on 15 May 2007. This response was sent to Examiner Woodall in draft form prior to the interview and only subject matter herein was discussed at that time.

Claims 11-35 are pending in this application.

The drawing has been objected to under 37 CFR 1.83(a). Applicant respectfully traverses this objection. However, a Replacement Sheet, adding reference numeral 7 to Fig. 2, is enclosed in an effort to make the drawing figures more understandable.

Claims 11-26 and 30-34 have been rejected under 35 U.S.C. 103(a) as obvious over Moore, III, et al., in view of Brånemark; and claims 27-29 have been rejected under 35 U.S.C. 103(a) as obvious over the same two references, further in view of Guedj. All the references have previously been cited and discussed. Applicant respectfully traverses these grounds of rejection.

The Drawing

As to Applicant's drawing, every element claimed is explicitly shown. Anchoring portion 1 is generally cylindrical and has external threads 3. The anchoring portion has cavity 5 which has tapered sides 7. Extending from the external, generally cylindrical surface, obliquely into cavity 5, are slots 9. The angles of slot walls 12, 13, and sharp edge 14, and the interrelated functions of tongues 10, slots 9, edges 14, and cavity 5 are clearly set out on page 6, commencing at line 4, through line 18 of page 7.

The Rejections Under 35 U.S.C. 103(a)

Moore has been interpreted by the Examiner as having slots 32 defined by leading and trailing slot walls relating to the direction of rotation, referring to what appears to be a

representation of Fig. 3 of Moore. It is critical to the discussion here to put the Fig. 3 (Fig. 1 in the Action) into proper perspective. Fig. 3 of Moore shows no slots. What the Examiner has characterized as slots are actually the projections 156, 160, which are shown more clearly in Figs. 1 and 2. The drawing shown by the Examiner is the end of driver tool 152, which is configured to engage the large end of threaded fastener 40. Thus, it is not even an element equivalent to Applicant's "fixture."

Since Moore shows no slots opening into the cavity ("through-penetrating slots"), which slots start at the "insertion end," and where "each slot connects the cavity with the outside of said anchoring portion," with the specific slot parameters identified in claim 11, it is not a proper primary reference at all. At best, Moore is only generally relevant to Applicant's invention, but not at all as to the specific limitations of claim 11.

Brånemark was combined with Moore by the Examiner because it has "slots that connect to the cavity of the fixture in order to greatly reduce the risk of concentrated stress in the device." Why the Examiner points to this purpose of Brånemark is a mystery, because the word "stress" does not once appear in the present application and there is no similarity of purpose with that goal, as identified by the Examiner. In view of the fact that Moore does not meet the primary structural requirements of claim 11, Brånemark cannot supply the missing elements. This reference does have slots that connect to the cavity, but these slots do not meet the specific characteristics defined in claim 11. And Moore has no such slots.

Claims 12-34 all depend from and serve to further define the invention of claim 11, and are therefore believed to be free of the cited prior art at least for the same reasons.

The Guedj patent is less applicable than Brånemark and does not provide the teachings that are not evident in Moore and Brånemark.

Allowable Claim

Applicant notes that claim 11 has been found to be allowable, although that claim has been included in the rejections. Further, claim 35 has not been mentioned in the text of the Action.


Clarification is requested.

CONCLUSION

In view of the fact that the primary cited reference, as applied by the Examiner, has no relevance to the instant claims, and that there is nothing in the cited art which is sufficiently close to support a determination of obviousness, reconsideration and early passage to allowance are requested. Should any issues remain unresolved, Examiner Woodall is invited to telephone the undersigned attorney. The Commissioner is hereby authorized to charge any fees that arise in connection with this filing which are not covered by the money enclosed, or credit any overpayment, to Deposit Account No. 02-0460.

Respectfully submitted,

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